

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIE B. HAYNES,

Defendant.

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Case No. 8:08CR-441

ORDER

This case is before the court on the defendant's Motion to Review Pretrial Detention (#22). The defendant proposes a release to reside with his mother in Omaha, Nebraska. The proposed plan of release does not alleviate the concerns of the court set out in the December 19, 2008 Detention Order (#12), nor does the plan present information which overcomes the presumption of detention set out in 18 U.S.C. § 3142(e).

Given the defendant's significant criminal record, his past history of failure to appear and his supervised release revocation in 2000, the record demonstrates by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any persons or the community and by a preponderance of the evidence, that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.

IT IS ORDERED the defendant's Motion to Review Pretrial Detention (#22) is denied without hearing.

Dated this 6th day of February 2009.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge